

ग्रस धारण

#### EXTRAORDINARY

भाग II---खंड 1

#### PART II—Section 1

प्राधिक र से प्रकाशित

### PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृथ्ठ संख्या वी जाती है जिससे कि यह ब्रह्म संकल्प के रूप में रखा जा सके Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW

(Legislative Department)

New Delhi, the 17th August, 1967/Sravana 26, 1889 (Saka)

The following Act of Parliament received the assent of the President on the 15th August, 1967, and is hereby published for general information: -

# THE INDIAN OFFICIAL SECRETS (AMENDMENT)

ACT, 1967

No. 24 of 1967

[15th August, 1967]

title and

com-

An Act further to amend the Indian Official Secrets Act, 1923 BE it enacted by Parliament in the Eighteenth Year of the Republic of India as follows:—

Secrets Short be called the Indian Official 1. (1) This Act may (Amendment) Act, 1967.

(2) Clause (b) of section 5 shall come into force on such date menceas the Central Government may, by notification in the Official ment.

Gazette, appoint and different dates may be appointed for different areas; and the remaining provisions of this Act shall come into force at once.

Substitution of new section for section 1

2. For section 1 cf the Indian Official Secrets Act, 1923 (herein 19 of 1923) after referred to as the principal Act), the following section shall be substituted, namely:—

Short title, extent and applica\_ tion,

- "1. (1) This Act may be called the Official Secrets Act, 1923.
- (2) It extends to the whole of India and applies also to servants of the Government and to citizens of India outside India.".

Amendment of section 2.

3. In section 2 of the principal Act, in clause (6), the words "or of the Government of the United Kingdom or of any British possession" shall be omitted.

Amend\_ ment of section 3.

- 4. In section 3 of the principal Act,--
  - (a) in clause (c) of sub-section (1), after the words "useful to an enemy", the following shall be inserted, namely:—

"or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States";

- (b) in sub-section (2),—
- (i) the words "with imprisonment for a term may extend to fourteen years" shall be omitted;
- (ii) for the words "or information shall be presumed to have been made", the words "information, code or pass word shall be presumed to have been made" shall be substituted.

Amendment of section 5

- In section 5 of the principal Act,—
  - (a) in sub-section (1), for the words "or which has been made or obtained in contravention of this Act,", the following shall be substituted, namely:—

"or which is likely to assist, directly or indirectly, an enemy or which relates to a matter the disclosure of which is likely to affect the sovereignty and integrity of India, the security of the State or friendly relations with foreign States or which has been made or obtained in contravention of this Act,";

- (b) for sub-section (4), the following sub-section shall substituted namely: ---
  - "(4) A person guilty of an offence under this section shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both"
- 6. In section 6 of the principal Act,—

Amendment of

- (a) in sub-section (3), for the words "two years" the words section 6. "three years" shall be substituted;
- (b) in sub-section (4), the words "with imprisonment for a term which may extend to fourteen years" shall be omitted.
- 7. In section 7 of the principal Act, in sub-section (2), for the Amendment of words "two years", the words "three years" shall be substituted. section 7.
- 8. In section 8 of the principal Act, in sub-section (2), for the Amendment of words "two years", the words "three years" shall be substituted. section 8.
- 9. In section 10 of the principal Act, in sub-section (3), for the Amendwords "one year", the words "three years" shall be substituted. ment of section 10.
- 10. For section 12 of the principal Act, the following section Substitu. shall be substituted, namely:—,

tion of new section for section 12.

"12. The provisions of section 337 of the Code of Criminal Provi-Procedure, 1898 shall apply in relation to an offence punishable sions of under section 3 or under section 5 or under section 7 or under any of the said sections 3, 5 and 7 read with section 9, as they apply in relation to an offence punishable with imprisonment to apply to for a term which may extend to seven years.".

section 337 of Act 5 of 1898 offences under sections 3, 5 and 7.

11. In section 13 of the principal Act, in sub-section (3), the Amendproviso shall be omitted.

ment of section 13.

12. For section 15 of the principal Act, the following section shall Substitube substituted, namely:—

tion of new section for section 15.

'15. (1) If the person committing an offence under this Offences Act is a company, every person who, at the time the offence by comwas committed, was in charge of, and was responsible to.

panies.

company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:—

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means a body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.'.

Amendment of section 6 of Act 51 of 1962. 13. In section 6 of the Defence of India Act, 1962, sub-clause (c) of clause (1) shall be omitted.

S. P. SEN-VARMA, Secy. to the Govt. of India.